

Title	<b>Proof of Sale of Firearms/Turning in of Firearms</b> (approve form CH-145/EA-145/WV-145)
Summary	Senate Bill 226 added a new section to the Code of Civil Procedure relating to firearms relinquishment in civil harassment, elder abuse, and workplace violence prevention cases. (See Code Civ. Proc., § 527.9.) To assist in the implementation of the recently enacted firearms relinquishment legislation, a new Judicial Council form would be approved for proof of (1) sale of firearms to a licensed gun dealer, or (2) turning over firearms to law enforcement. This form would be used where the court has issued a firearms' relinquishment order in a civil harassment, elder abuse, or workplace violence case.
Source	Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>Recent legislation changed the law regarding firearms relinquishment in elder abuse, civil harassment, and workplace violence cases. Specifically, Senate Bill 226 added new section 527.9 to the Code of Civil Procedure. This section provides that persons subject to temporary restraining orders and injunctions in civil harassment, workplace violence, and elder abuse cases must relinquish firearms. Furthermore, a person ordered to relinquish a firearm must "file with the court a receipt showing the firearm was surrendered to the local law enforcement agency or sold to a licensed gun dealer within 72 hours of receiving the order." (Code Civ. Proc., § 527.9(b).)</p> <p>To facilitate the implementation of this provision, a new form has been developed. This form is designed to be used by persons subject to firearms relinquishment orders to provide proof to the court that their firearms had either been sold to a licensed gun dealer or turned over to law enforcement. The Judicial Council will consider approving the form on April 23, 2004, without circulating it for comment. However, to give the public and opportunity to comment and provide suggestions, the form is also being circulated.<sup>1</sup></p>

<sup>1</sup> This new form is based on *Proof of Firearms Turned In or Sold* (form DV-800), a plain-language form previously approved for use in domestic violence cases. To be compatible with the civil harassment, elder abuse, and workplace violence forms, the present form is formatted in the conventional Judicial Council forms format. (A different version of this form in a plain language format designed for use in civil harassment cases is simultaneously being circulated as part of the set of Plain Language Civil Harassment Forms, which is the subject of a separate Invitation to Comment.)

The form contains places where a dealer can declare that the listed firearms were sold or a law enforcement agent can declare the firearms were turned in. (See item 2a and 2b.) It also provides a description of the make, model, and serial number of all firearms that were relinquished.

The form also contains a section (item 4) where the defendant or respondent must state whether the firearms being relinquished are all or only some of the firearms that he or she owns, possesses, or controls.

Comments are invited on the form. The form is currently optional. Comments are specifically invited on whether it should be made mandatory.

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Attachments

**FOR COURT USE ONLY**

FAX NO. (Optional):

ATTORNEY FOR (Name):

BRANCH NAME:

**DRAFT 3**  
**04/02/04**

CASE NUMBER:

DEFENDANT/RESPONDENT:

**PROOF OF:** ☐ **SALE OF FIREARMS**  
☐ **TURNING IN OF FIREARMS**

JUDGE:

DEPT.:

(SIGNATURE OF LICENSED GUN DEALER)

PLAINTIFF (Name):  DEFENDANT (Name):	CASE NUMBER:
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b. ☐ **TURNOVER OF FIREARMS TO LAW ENFORCEMENT**

*(To be completed by law enforcement agent):*

The firearms listed in item 3 were turned in on:

(1) Date: (2) Time: ☐ a.m. ☐ p.m.

(3) To (name and title of law enforcement agent):

(4) At (name and address of law enforcement agency):

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_  
(TYPED OR PRINTED NAME AND TITLE OF LAW ENFORCEMENT AGENT)

\_\_\_\_\_  
(SIGNATURE OF LAW ENFORCEMENT AGENT)

**FIREARMS SOLD OR TURNED OVER**

3. The firearms sold to the licensed dealer or turned in to law enforcement indicated above were the following:

Firearm Make	Model	Serial Number
(1)		
(2)		
(3)		
(4)		
(5)		

☐ Additional firearms are listed on Attachment 3 to this form. *(The make, model, and serial number of each firearm must be provided.)*

4. The firearms listed in item 3 are:

- a. ☐ All firearms that the defendant or respondent owns, possesses, or controls. The defendant no longer owns, possesses, or controls any firearms.
- b. ☐ Some of the firearms that the defendant or respondent owns, possesses or controls. If this item is checked, all of defendant's or respondent's other firearms:
  - (1) ☐ Have been sold or transferred and proof of sale or transfer was filed with this court on (date):
  - (2) ☐ Have been sold or transferred and proof of sale or transfer is filed with the court at the same time that this *Proof* is filed.
  - (3) ☐ Have not yet been sold or transferred (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPED OR PRINTED NAME OF DEFENDANT OR RESPONDENT)

\_\_\_\_\_  
(SIGNATURE OF DEFENDANT OR RESPONDENT)